

WARWICK DISTRICT COUNCIL

Minutes of the meeting held on Wednesday 21 August 2013, at the Town Hall, Royal Leamington Spa at 6.05pm.

PRESENT: Councillor Davies (Chairman); Councillors Barrott, Mrs Blacklock, Boad, Mrs Bromley, Brookes, Mrs Bunker, Caborn, Coker, Copping, Cross, Dagg, Ms Dean, Dhillon, Doody, Edwards, Gallagher, Gifford, Gill, Mrs Goode, Guest, Hammon, Heath, Mrs Higgins, Illingworth, Kirton, Mrs Knight, MacKay, Mrs Mellor, Mobbs, Pittarello, Pratt, Rhead, Mrs Sawdon, Shilton, Mrs Syson, Vincett, Weber, Ms Weed, Wilkinson, Williams and Wreford-Bush.

Apologies for absence were received from Councillors Mrs Falp, Mrs Grainger and Kinson.

29. **DECLARATIONS OF INTEREST**

Minute Number 30 – Notice of Motion

Councillors Caborn, Doody, Gifford, Kirton and Shilton all declared that as Warwickshire County Councillors they had a Disclosable Pecuniary Interest in this matter and left the room while it was considered.

Councillors Mrs Knight and Syson declared a personal interest because they were members of the Advisory Groups for Children's Centres.

Mrs Blacklock declared a personal interest because she was a member of an Advisory Group for a Children's Centre and because one of the centres was in her Ward.

Councillor Rhead declared a personal interest because his daughter had received care from the centres.

Minute Number 31 – Code of Conduct Complaint

Councillors Mrs Bromley, Brookes, Mrs Bunker, Caborn, Coker, Cross, Dagg, Davies, Dhillon, Doody, Gallagher, Guest, Hammon, Mrs Higgins, Illingworth, Mrs Mellor, Mobbs, Pratt, Rhead, Mrs Sawdon, Shilton, Vincett, and Williams confirmed that; they were pre-disposed on this matter due to the discussions at the Conservative Group but they wished to hear the views of other members of the Council and the Independent Person before taking a decision.

Councillors Mrs Bromley, Brookes, Mrs Bunker, Caborn, Coker, Cross, Dagg, Davies, Dhillon, Doody, Gallagher, Guest, Hammon, Mrs Higgins, Illingworth, Mrs Mellor, Mobbs, Pratt, Rhead, Mrs Sawdon, Shilton, Vincett, and Williams declared a personal interest because Councillor Dhillon was known to them as a Conservative Party member.

Councillors Barrott, Boad, Doody and MacKay explained that they were predisposed because they had requested the matter to be taken to Council because of its seriousness and the need to respond quickly but that they wanted to hear the views of other members of the Council and the Independent Person before taking a decision.

Councillors Barrott, Mrs Blacklock, Boad, Mrs Bromley, Brookes, Mrs Bunker, Caborn, Coker, Copping, Cross, Dagg, Davies, Ms Dean, Doody, Edwards,

Gallagher, Gifford, Gill, Mrs Goode, Guest, Hammon, Heath, Mrs Higgins, Illingworth, Kirton, Mrs Knight, MacKay, Mrs Mellor, Mobbs, Pittarello, Pratt, Rhead, Mrs Sawdon, Shilton, Mrs Syson, Vincett, Weber, Ms Weed, Wilkinson, Williams and Wreford-Bush all declared that they knew Councillor Dhillon as a fellow Warwick District Councillor.

Councillor Dhillon declared a personal interest in this item and that he would not vote on the matter.

Councillors Mrs Blacklock, Boad, Edwards, Gifford and Wilkinson informed the Council that they had been present at the Overview & Scrutiny Committee on 9 July 2013 but they were willing to listen to the views of others before voting on the matter.

30. **NOTICE OF MOTION**

Councillor Mrs Knight proposed the motion to Council, which was duly seconded, and

RESOLVED

"That Warwick District Council is extremely concerned that cuts are to be considered to Warwickshire County Council Children's Centres, and agrees to send the following letter to Warwickshire County Council in response to their current consultation (which ends on August 27th 2013):

'To Warwickshire County Council'
REVIEW OF EARLY YEARS PROVISION WARWICKSHIRE
CHILDREN CENTRES

Warwick District Council has considered the proposals set out in the WCC Consultation paper on Children's Centres and its response is as follows:-

- i. The Council recognises the vital role of Children's Centres in supporting the personal, social and emotional development of children. Their contribution to the well-being of Society as a whole is so significant that the development and funding of the service must be addressed in a strategic review, taking account of the long term demands on the service and the funding available to it. This will not be achieved by a short term review based on a narrow horizon of a single round of spending cuts.
- ii. Given the uncertainty of the Warwickshire County Council Budget in the review period, a more general view of the whole service could be advantageous to both children and families.
- iii. We believe that a long-term strategic planning and review of services involving all partners including South

Warwickshire NHS Foundation Trust, should be held forthwith before any decisions are taken.

The Council wishes to emphasise the importance of a genuinely universal service to the success of Children's Centres. 'Targeting' of some neighbourhoods and families leading to possible stigmatisation of service users threatens the important idea for everyone at the formative time of life."

31. **CODE OF CONDUCT COMPLAINT**

The Chairman of the Council introduced the item highlighting that a number of questions had been received by officers regarding this matter and to simplify matters and ensure that all Members had the same advice an addendum had been circulated at the meeting.

Secondly, the complaint to be considered by this Council was about Councillor Dhillon in his role as a Warwick District Councillor. It was not about Councillor Dhillon as a Town Councillor or as Mayor of Warwick. He advised that all Councillors needed to remember this and to disassociate his two entirely separate roles in their minds.

He added that a copy of any decision taken today would be passed to Warwick Town Council so they were in receipt of the facts of the matter and not hearsay from the media or any other third party.

The Chairman confirmed that he was entirely confident that there were good and justifiable reasons for bringing this matter before Council. However, at his direction and in association with the Chief Executive, Deputy Monitoring Officer and the Council's Legal Advisor, the addendum circulated provided clear responses to the concerns raised.

The Chairman did not want further discussion on the process but wanted the Council to focus purely on the need to consider the report and the recommendations before it. There were two key questions to address: i.e. had Councillor Dhillon breached the Code of Conduct and if so what action should be taken.

From this the Chairman proposed, it was duly seconded and

RESOLVED that

- (1) Council Procedure Rule 13 (Rules of Debate for a meeting) be suspended for this item;
- (2) the procedure as set out at Appendix 4 to the report, be used as the procedure for this item subject to the addition of point 12A (the opportunity for the Independent Person to provide his view before the Council determines any sanction);
- (3) no speech should last more than 10 minutes without agreement from the Council and that with permission from the Chairman one a person may speak at a time.

The Council considered the report from the Deputy Monitoring Officer and the addendum as circulated at the meeting.

The report asked the Council to consider the facts as set out within it as the parent body of the Standards Committee and Hearing Sub-Committee and determine if a breach of the Code of Conduct had occurred and if it had, what, if any, action should be taken.

The report explained that the matter had been brought to Council, at the request and in agreement with Group Leaders, because of the seriousness of the complaint and the need for the appropriate level of response and reassurance to the public.

On 18 July, the Chief Executive received a letter from Andrew Jones in his capacity as the Council's Monitoring Officer and a member of the Council's Corporate Management Team, requesting urgent action to address the unacceptable conduct of Councillor Dhillon during a call-in discussion relating to the Executive decision on the St Mary's Lands Business Strategy at the Council's Overview and Scrutiny Committee on 9 July 2013. At that public meeting, Councillor Dhillon had directed remarks at Andrew Jones and another officer and member that Andrew Jones found intimidating and bullying; that questioned his integrity and the integrity of others; that failed to show respect to colleagues and that potentially brought the Council into disrepute. These remarks were set out in Appendix 1 to the report which was the email, on 10 July 2013, from Andrew Jones to Councillor Dhillon seeking an explanation for his comments.

The Monitoring Officer shared his letter to the Chief Executive with the Group Leaders and Deputy Leader on 18 July on the basis that its contents should be of concern to the Council as a whole. He also put on record the fact that his health and wellbeing had been affected by Councillor Dhillon's conduct.

The Monitoring Officer only made the decision to seek action through the Chief Executive after he had received an unsatisfactory response from Councillor Dhillon, set out in Appendix 2 of the report to the email he had sent to him on 10 July seeking informal resolution of the matter by way of a personal apology for the public remarks the councillor had made.

The remarks made by Councillor Dhillon on 9 July were a matter of public record and were heard by Councillors Edwards, Mrs Knight, Wilkinson and Gifford. Councillor Dhillon had admitted in his email, of 12 July 2013, that the words were spoken.

As Councillor Dhillon's remarks publicly questioned Andrew Jones' integrity, it was his view that it would be impossible for him to fulfil his role as Monitoring Officer if the Council and the public at large were left under any doubt that he was not committed to acting in accordance with the word and spirit of the Nolan principles of Public Life. The Monitoring Officer was not prepared to allow any potentially defamatory remarks to put in doubt the trust he had built with members and the public or to undermine his reputation. The impact of Councillor Dhillon's behaviour on the Monitoring Officer was such that he has also felt it necessary to seek personal legal advice on this matter.

Councillor Dhillon's remarks not only questioned the integrity of the Monitoring Officer, but they also brought potential damage to the wider Council reputation.

Councillor Dhillon was first elected to office as a Councillor of Warwick District Council on 3 May 2007 for a period of four years, and again on 5 May 2011. He gave a written undertaking to observe the Code of Conduct adopted by the Council in May 2007 and again in May 2011. At the time of the incident which was the subject of this report, he was a District Councillor. He was acting in his official capacity as a councillor and was therefore bound by the Code of Conduct.

Councillor Dhillon was represented at Council by Mr Hathaway. Mr Hathaway explained he and Councillor Dhillon were fully accepting of the procedure but were unhappy about the inclusion of the previous Code of Conduct decision about Councillor Dhillon. The Chairman responded that this had been included because it was a matter of public record.

It was proposed, that the matter be referred back to Standards Committee for their consideration, duly seconded and on being put to the vote the motion was lost.

Following submissions from Mr Hathaway and questions from Council to Councillor Dhillon the Council's Independent Representative, Mr Meacham provided his view to Council.

It was proposed, and duly seconded that Councillor Dhillon had breached the Code of Conduct.

RESOLVED that Councillor Dhillon's behaviour on 9 July 2013 breached the Code of Conduct for the Council in that:-

- (i) he failed to demonstrate Leadership, Honesty and Integrity, three of the seven Principles of Public Life; and
- (ii) he failed to comply with following general obligations within the Council's Code:
 - Valuing and respecting my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
 - Always treating people with respect, including the organisations and public I engage with and those I work alongside, both officers and fellow Members.
 - Providing leadership through behaving in accordance with the principles of this Code when championing the interests of the community with other organisations as well as within this Council.
 - Never intimidating or attempting to intimidate, or bully any person.
 - Never doing anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Council.

- Recognising that by failing to adhere to the Code, I could bring my office or Council into disrepute.

It had been requested by Councillor Mrs Bromley, and duly supported by two other members that a recorded vote be taken on this matter. The votes cast were as follows:

For: Councillors Barrott, Mrs Blacklock, Boad, Mrs Bunker, Caborn, Coker, Copping, Cross, Davies, Ms Dean, Doody, Edwards, Mrs Gallagher, Gifford, Gill, Mrs Goode, Hammon, Illingworth, Mrs Knight, Mobbs, Pittarello, Pratt, Rhead, Mrs Sawdon, Shilton, Mrs Syson, Vincett, Weber, Ms Weed, Wilkinson and Wreford-Bush.

Against: Councillors Mrs Bromley, Brookes, Dagg, Guest, Heath, Mrs Higgins, Kirton, MacKay, Mrs Mellor and Williams

Abstention: Councillor Dhillon.

Following a short adjournment the Council's Solicitor outlined the potential sanctions available to the Council if it was minded to impose any on Councillor Dhillon.

Representation was made to the Council by Mr Hathaway on behalf of his client and Mr Meacham as Independent Person for the Council provided his view on the potential sanctions.

It was proposed by Councillor Rhead and duly seconded that

The Council agreed the following sanctions:

- Formal censure by motion by Council;
- A full apology be made by Councillor Dhillon to Council on 26 September 2013;
- Training to be arranged by the Monitoring Officer for Councillor Dhillon, towards which Councillor Dhillon would be required to contribute half the cost.

An amendment was proposed by Councillor Boad, and duly seconded that

- A formal apology to the next meeting of Full Council;
- A formal apology at the next Overview & Scrutiny Committee meeting;
- A formal apology to the officers who were present at the Overview & Scrutiny Committee;
- The apology should explain that the comments were not made towards any individual and must acknowledge acceptance of the breach of the Code of Conduct;
- The decision of the Council is publicised;
- Write to Warwick Town Council to ask them to consider if he is fit to hold public office of Mayor, because his behaviour was not in the best interest of the electorate; and
- The Council should confirm its support for and endorse the Integrity of the Monitoring Officer.

On being put to the vote the amendment was lost.

Councillor Rhead accepted an amendment from the Chairman to his proposal to include "the Council endorsed its support and confidence in the integrity of the Monitoring Officer".

It was proposed and duly seconded that the motion be "put to the vote" which was carried.

The motion was put to the vote and

RESOLVED that

- (1) Councillor Dhillon be formally censured by motion by Council;
- (2) A full apology be made by Councillor Dhillon to Council on 26 September 2013;
- (3) Training to be arranged by the Monitoring Officer for Councillor Dhillon, towards which Councillor Dhillon will be required to contribute half the cost; and
- (4) the Council endorsed its support and confidence in the integrity of the Monitoring Officer.

32. **WELFARE REFORMS**

The Council received a report updating it on the implementation of Welfare Reforms and its impact in Warwick District.

At its meeting in March 2013, Executive requested a status report be presented to Council so that consideration could be given as to whether representation should be made to the Government in respect of the impact of the welfare reforms on the District's residents.

In April 2013, the spare room subsidy was introduced which effectively reduced the maximum amount of benefit that a person of working age living in the social rented sector could receive where they had one or more spare bedrooms.

The benefit cap set a maximum limit to the amount of out of work benefit a claimant could receive at £500.00 for families and £350.00 for couples or single people. The cap was currently only applied to housing benefit, other benefits remained in payment in full, the cap would be applied fully when claims were transferred to Universal Credit. The cap was introduced on the 15 July 2013 and a phased approach had been taken.

RESOLVED that the report be noted.

33. **COMMON SEAL**

It was

RESOLVED that the Common Seal of Warwick District Council be affixed to such deeds and documents as may be required for implementing decisions of the Council arrived at this day.

(The meeting ended at 8.48 pm)

CHAIRMAN
26 September 2013